

**Before the State of South Carolina
Department of Insurance**

In the matter of:

William C. Caulder,

1115 3rd Avenue
Kingstree, South Carolina 29556.

SCDOI File Number 2001-112060

**Default Order Revoking
Resident Insurance Agent's License**

This matter comes before me pursuant to a Letter of Allegation and Notice of Opportunity for Public Hearing served, as required within S.C. Code Ann. § 38-3-170 (Supp. 2001), by the State of South Carolina Department of Insurance upon William C. Caulder, by both certified mail, return receipt requested, and by regular mail on March 28, 2002.

By that letter, Caulder was informed of his right to request a public hearing upon the allegations of impropriety contained within the letter against him. Further, he was warned that his failure to make a timely, written request would result in my summary revocation of his license to do business as a resident insurance agent within the State of South Carolina. Caulder has failed to respond to the Department's letter. Caulder has failed to provide the Department with a current address in violation of S.C. Code Ann. § 38-43-107 (1989), and the United States Postal Service returned as undeliverable the letter sent by the Department. On May 6, 2002, therefore, counsel for the Department filed an Affidavit of Default, and the entire matter was submitted directly to me for my summary decision based solely on the record.

The letter alleged, and I now find as fact, that while licensed to do business as a resident insurance agent within the State of South Carolina, Caulder was convicted by the South Carolina Circuit Court of General Sessions, Williamsburg County, of "Breach of Trust" in The State v. William C. Caulder, Docket Number 99GS4500252.

S.C. Code Ann. § 38-43-130 (Supp. 2001) provides: "The director or his designee may revoke or suspend an agent's license after ten day's notice...when it appears that an agent...has been convicted of a crime of involving moral turpitude..." The crime of Breach of Trust with Fraudulent Intent involves moral turpitude. In re Derrick, 301 S.C. 367, 392 S.E.2d 180 (1990).

In accordance with my findings of fact, and considering Caulder's failure to avail himself of his opportunity to be heard, I now conclude, as a matter of law, that Caulder was convicted of a crime of moral turpitude, and that his resident insurance agent license should be revoked.

This administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's, *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2000). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to

limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110(3) (Supp. 2001), of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is, therefore, ordered that William C. Caulder's license to transact business as a resident insurance agent within the State of South Carolina be, and is hereby, revoked, and no license issued through the State of South Carolina Department of Insurance is to be issued to him.

It is further ordered that a copy of this order shall be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which William C. Cauler is currently licensed, through the State of South Carolina Department of Insurance, as a resident insurance agent within the State of South Carolina.

This order becomes effective as of the date of my signature below.

A handwritten signature in black ink, appearing to read "E. N. Csiszar", written over a horizontal line.

Ernst N. Csiszar
Director

6 May 2002, at
Columbia, South Carolina

**Before the State of South Carolina
Department of Insurance**

In the matter of:

William C. Caulder

1115 3rd Avenue
Kingstree, South Carolina 29556

SCDOI File Number 2002-112060

Affidavit of Default

Personally appeared before me T. Douglas Concannon, who, being duly sworn, stated that at all times relevant to this Affidavit of Default he was the attorney representing the State of South Carolina Department of Insurance (the Department) in this administrative action. He further stated the following:


The Department served notice on William C. Caulder at the address detailed above by a Letter of Allegation and Notice of Opportunity for a Public Hearing that the Department would request the Director of Insurance to summarily revoke his license to act as a resident insurance agent within the State of South Carolina in thirty days. The Department served that notice, pursuant to S.C. Code Ann. § 38-3-170 (Supp. 2001), by "depositing it in the United States mail, postage prepaid, addressed to the last known address of the person and registered with the return receipt requested." That letter further notified William C. Caulder of his opportunity, within thirty days, to request in writing a public hearing.

The Department mailed the notice concerning the right to a hearing by certified mail, return receipt requested, and by regular mail, on or about March 28, 2002. The United States Post Office at Kingstree, South Carolina then returned the certified letter to the Department, having marked it as "Attempted Not Known." See "Exhibit A" attached. The Notice sent via regular mail was not returned. William C. Caulder has made no request for a public hearing or any other response to the notice. The time in which to do so has expired. He is now in default.



T. Douglas Concannon
Associate General Counsel

Sworn to and subscribed before me
this 10th day of May, 2002



Steven R. DuBois
Notary Public for the State of South Carolina
My Commission Expires: May 10, 2009

South Carolina Department of Insurance
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